

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ERIC C. MATTHEWS

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PLAINTIFF

v.

Civil No. 1:20-cv-234-HSO-LGI

**ACTING COMMISSIONER OF
SOCIAL SECURITY, Kilolo
Kijakazi¹**

DEFENDANT

**ORDER ADOPTING MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION [19] AND REMANDING
TO THE COMMISSIONER OF SOCIAL SECURITY**

BEFORE THE COURT is the Report and Recommendation [19] of United States Magistrate Judge LaKeysha Greer Isaac, entered on December 30, 2022. The Magistrate Judge recommended that this matter be remanded to the Commissioner of Social Security for further proceedings. R.&R. [19] at 10 (filed restricted access). No party has objected to the Report and Recommendation [19]. After review of the record and relevant law, the Court finds that the Report and Recommendation [19] should be adopted, and this matter should be remanded for further proceedings consistent with the Report and Recommendation [19].

I. BACKGROUND

On or about September 26, 2018, Plaintiff Eric Matthews (“Plaintiff” or “Matthews”) filed an application with the Social Security Administration for

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi is automatically substituted in place of Andrew Saul as Defendant in this action. Fed. R. Civ. P. 25(d); 42 U.S.C. § 405(g).

Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C. § 423(d)(1)(A). Compl. [1] at 1 (filed restricted access). An Administrative Law Judge (“ALJ”) rendered an unfavorable decision finding that he had not established a disability within the meaning of the Social Security Act. *Id.* at 2. Matthews unsuccessfully appealed the ALJ’s decision and has exhausted his administrative remedies. *Id.* On July 14, 2020, Matthews filed his Complaint [1] in this Court against the Commissioner of Social Security, seeking judicial review of the Commissioner’s decision. *Id.* In his Brief [11], Matthews argues that “[t]he ALJ’s opinion is not supported by substantial evidence as she did not discuss multiple medical examinations in the record that indicate marked mental limitations,” and asserts that the ALJ’s “failure to consider all the evidence of record is reversible error.” Br. [11] at 1 (filed restricted access).

On December 30, 2022, the Magistrate Judge entered a Report and Recommendation [19] recommending that the case be remanded for further development and proceedings, including for the ALJ to “set forth with greater specificity her findings regarding how she weighed the evidence in determining Plaintiff’s residual functional capacity, taking care to link her findings to specific evidence through the date last insured.” R.&R [19] at 10 (filed restricted access). No party has objected to the Report and Recommendation [19], and the time for doing so has expired. *See* L.U. Civ. R. 72(a)(3).

II. DISCUSSION

Where no party has objected to a Magistrate Judge's report and recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). When there are no objections, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review to the report and recommendation. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Having conducted this required review, the Court concludes that the Report and Recommendation [19] is neither clearly erroneous nor contrary to law. The Court will adopt the Magistrate Judge's Report and Recommendation [19] as the opinion of this Court and remand this matter to the Commissioner of Social Security for further proceedings.

III. CONCLUSION

IT IS, THEREFORE, ORDERED AND ADJUDGED that, United States Magistrate Judge LaKeysha Greer Isaac's Report and Recommendation [19] entered on December 30, 2022, is **ADOPTED** as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, this matter is **REMANDED** to the Commissioner of Social Security for further proceedings consistent with United States Magistrate Judge LaKeysha Greer Isaac's Report and Recommendation [19] entered on December 30, 2022. This Court will enter a separate final judgment pursuant to Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 19th day of January, 2023.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE